

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NAUTILUS INSURANCE COMPANY

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Plaintiff,

*

v.

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200 WEST CHERRY STREET, LLC,
d/b/a Nauti-Goose Saloon, *et al.*,

*

Civil Action No. ELH-18-cv-0434

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Defendants.

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ORDER

This Court, pursuant to Judge Hollander's Memorandum Opinion and her Order, both issued March 26, 2019 [ECF 34 & 35], denied plaintiff Nautilus Insurance Company's motion for summary judgment seeking a declaration that it had no duty to defend or indemnify defendant 200 West Cherry Street, LLC, in a personal injury tort action brought by defendant William King in the Circuit Court of Cecil County and ruled that Nautilus did have a duty to defend 200 West Cherry Street in that litigation. When Judge Hollander issued her Memorandum Opinion and her Order on March 26, 2019, the circuit court had granted summary judgment in favor of all defendants in King's tort action and King's appeal to the Maryland Court of Special Appeals was pending. Accordingly, Judge Hollander stayed this case until final resolution of the King tort action. Counsel for the parties in this case have advised this Court that the Court of Special Appeals affirmed the grant of summary judgment against King as to all claims he asserted and that the Court of Appeals denied King's petition for a writ of certiorari.

Thus, the only issue remaining in this litigation is 200 West Cherry Street's motion for an award of its attorney's fees and litigation expenses in its successful defense of Nautilus's action for a declaration that it had no duty to defend 200 West Cherry Street in the King litigation, which has been fully briefed and as to which no hearing is necessary.

For the reasons set forth in the March 26, 2019, Memorandum Opinion and Order, and in this Court's Letter to Counsel of August 25, 2020 [ECF 45], it is, this 26th day of August, 2020, **ORDERED**:

1. That the motion of 200 West Cherry Street, LLC, for attorney's fees and litigation costs in this action is, hereby, **GRANTED**, and that judgment is, hereby, entered in favor of 200 West Cherry Street, LLC, and against Nautilus Insurance Company, in the amount of **\$10,314.51**;
2. That this Court finds and declares, pursuant to 28 U.S.C. §2201, that Nautilus Insurance Company had a duty to defend 200 West Cherry Street, LLC, on all claims asserted by King in the Cecil County tort action;
3. That, given the resolution of the King tort action in favor of defendants, the issue of whether Nautilus Insurance Company would have a duty to indemnify 200 West Cherry Street, LLC, is moot, and
4. That upon entry of judgment as directed by this Memorandum and Order, the Clerk shall close this case.



Stephanie A. Gallagher,
United States District Judge